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Timber legislation-Canada.

Washington, 1911.



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GAYLORD BROS.
MAKERS
SYRACUSE - N.Y.
JAN. 23, 1909

Nova Scotia. Laws, statutes, etc.

TIMBER LEGISLATION—CANADA.

Mr. LODGE presented the following

LAWS ENACTED IN NOVA SCOTIA, ONTARIO, BRITISH COLUMBIA, QUEBEC, AND NEW BRUNSWICK, CANADA, RELATIVE TO SPRUCE AND OTHER PULP WOOD CUT ON CROWN LANDS.

MAY 15, 1911.—Ordered to be printed.

NOVA SCOTIA.

Revised Statutes, 1900, chapter 24, under the title of "The Crown Lands," provides as follows:

SEC. 35. The governor in council may give a lease of Crown lands upon terms other than those provided in this chapter if the land proposed to be leased is of inferior quality and the person proposing to lease the same undertakes to spend money in the development of such land or in the erection of mills and machinery for the manufacture of pulp or other wood products. (1899, ch. 3, sec. 5.)

Particular attention is called to section 36, which provides:

SEC. 36. The governor in council may lease to any person, firm, or corporation the privilege of placing dams, sluices, or other works on any stream for the purpose of floating timber down such stream, and the amount to be paid for such right or privilege shall be fixed by the commissioner, subject to the approval and revision of the governor in council. (1899, ch. 3, sec. 6.)

ONTARIO.

[Statutes, 1900, ch. 11.]

CHAPTER 11.

An Act Respecting the manufacture of spruce and other pulp wood cut on the Crown domain.

[Assented to Apr. 30, 1900.]

Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All sales of timber limits or berths by the commissioner of Crown lands which shall hereafter be made and which shall convey the right to cut and remove spruce or other soft wood, trees or timber, other than pine, suitable for manufacturing pulp or paper, and all licenses or permits to cut such timber on the limits and berths so sold, and all agreements entered into or other authority conferred by the said commissioner by virtue of which such timber may be cut upon lands of the Crown, shall be so made, issued or granted subject to the condition set out in the first regulation of Schedule A of this act, and it shall be sufficient if such condition be cited as "the manufacturing condition" in all notices, licenses, permits, agreements, or other writing.
2. The regulations set out in Schedule A of this act are hereby approved and confirmed and declared to be legal and valid to the same extent as if the said regulations

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had been enacted by the Legislature of Ontario, and the same shall apply to all licenses or permits hereafter issued, whether for the first time or in renewal of licenses or permits heretofore issued or granted.

3. The lieutenant governor in council may make any further or additional regulations necessary to enable the commissioner of Crown lands to carry into effect the object and intent of the regulations contained in Schedule A.

4. The permit to cut pulp wood now standing in the name of the North Shore Timber Co. (Ltd.), and any renewal thereof, shall be exempt from the provisions of this act and the regulations annexed hereto for a period of two years from 30th April, 1900.

5. Section 1 of this act shall come into force on the passing hereof, and the other parts of this act shall come into force on the 29th day of April, 1900.

Schedule A.

1. Every license or permit conferring authority to cut spruce or other soft wood, trees or timber, not being pine, suitable for manufacturing pulp or paper, on the ungranted lands of the Crown, or to cut such timber reserved to the Crown on lands leased or otherwise disposed of by the Crown, which shall be issued on or after the 30th day of April, 1900, shall contain and be subject to the condition that all such timber cut under the authority or permission of such license or permit shall, except as hereinafter provided, be manufactured in Canada, that is to say, into merchantable pulp or paper, or into sawn lumber, woodenware, utensils, or other articles of commerce or merchandise as distinguished from the said spruce or other timber in its raw or unmanufactured state; and such condition shall be kept and observed by the holder or holders of any such license or permit who shall cut or cause to be cut spruce or other soft wood, trees, or timber, not being pine, suitable for manufacturing pulp or paper, under the authority thereof, and by any other person or persons who shall cut or cause to be cut any of such wood, trees, or timber, under the authority thereof, and all such wood, trees, or timber cut into logs or lengths or otherwise, shall be manufactured in Canada as aforesaid. It is hereby declared that the cutting of spruce or other soft wood, trees, or timber, not being pine, suitable for manufacturing pulp or paper, into cordwood or other lengths, is not manufacturing the same within the meaning of this regulation.

2. Should any holder of a timber license or permit, or any servant or agent of such holder, or any person acting for him or under his authority or permission violate or refuse to keep and observe the condition mentioned in the preceding regulation, then and in such case the license or permit to cut spruce or other soft wood, trees, or timber, not being pine, on the berth, territory, lot or lots included in the license or permit, and on which or on any part of which such timber was cut, and in respect of which or any part of which there was a breach of such regulation or a refusal to observe or keep the same, shall be suspended and held in abeyance, and shall not be reissued, nor shall a new license or permit issue unless and until so directed by the lieutenant governor in council, and then only upon such terms and conditions as the lieutenant governor in council may impose.

3. The commissioner of Crown lands, his officers, servants, and agents may do all things necessary to prevent a breach of the aforesaid condition or regulation and to secure compliance therewith, and may for such purpose take, seize, hold, and detain all logs, timber, or wood so cut as aforesaid, and which it is made to appear to the commissioner of Crown lands it is not the intention of the licensee, owner, or holder, or person in possession of to manufacture, or cause to be manufactured as aforesaid in Canada, or to dispose of to others who will have the same so manufactured in Canada, until security shall be given to Her Majesty satisfactory to the commissioner that the said condition will be kept and observed, and that such logs, timber, or wood will be manufactured in Canada as aforesaid, and in the event of the refusal on the part of the licensee, owner, or holder, or person in possession of such logs, timber, or wood to give such security within four weeks after notice of such seizure and demand of security by or on behalf of the commissioner, then the commissioner may sell or cause to be sold such logs, timber, or wood by public auction after due advertisement to some person or persons who will give such security to Her Majesty as the commissioner may require that such logs, timber, or wood shall be manufactured in Canada. The proceeds of such logs, timber, or wood shall, after such sale and after deducting all expenses of such seizure and sale and any sum due and owing to Her Majesty for or in respect of any timber dues, trespass dues, ground rent, or on account of the purchase of any timber or timber berths by the owner, licensee, or holder of a permit, or other person who has cut or caused to be cut such logs, timber, or wood, or who is the owner or holder of the same, be paid over to the person entitled to the same.

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4. Provided, nevertheless, that nothing in the preceding regulations which requires spruce or other timber, not being pine, suitable for manufacturing pulp or paper, to be manufactured in Canada as aforesaid, shall apply to logs, timber, or wood cut and in use in Canada for fuel, building, or other purposes for which logs, timber, or wood in the unmanufactured state are or may be used.

5. Provided, further, that these regulations shall not apply to the east half of the township of Aweres, in the District of Algoma, containing $18\frac{1}{2}$ square miles.

6. The foregoing regulations shall not come into force unless and until they shall be approved by an act of the legislature.

BRITISH COLUMBIA, 1906.

An Act Respecting the use and manufacture, within British Columbia, of timber cut on lands of the Crown. (Mar. 12, 1906.)

SEC. 2. All timber cut on ungranted lands of the Crown, or on lands of the Crown which shall hereafter be granted, shall be used in this province, or be manufactured in this province into boards, deals, joists, lath, shingles, or other sawn lumber.

QUEBEC.

[Revised Statutes, 1909.]

SEC. 1597. The minister of lands and forests or any officer or agent under him authorized for that purpose may grant licenses to cut timber on the ungranted lands of the Crown at such rates and subject to such conditions, regulations, and restrictions as may from time to time be established by the lieutenant governor in council, and of which notice shall be given in the Quebec Official Gazette.

SEC. 1553. With the exception of lands subject to the Quebec mining law, the lieutenant governor in council may from time to time fix the price per acre of public lands and the terms and conditions of sale and of settlement and payment.

[Statutes of Quebec, 1 George V, 1910.]

EXECUTIVE COUNCIL CHAMBER,
Quebec, 26th April, 1910.

Present: The lieutenant governor in council.

On the recommendation of the honorable the minister of lands and forests, dated the 25th April instant, 1910, it is decreed, that order in council No. 291 of the 22d instant, and the regulations concerning woods and forests thereby sanctioned, published in the Quebec Official Gazette of the 23d April instant, are revoked, and the following regulations concerning licenses to cut timber on Crown lands are approved. All previous regulations incompatible with the present are annulled.

GUSTAVE GRENIER,
Clerk Executive Council.

WOODS AND FORESTS REGULATIONS.

Duties of licensees and limitation of their rights.

13. All timber cut on Crown lands after the first of May, 1910, must be manufactured in Canada—that is to say, converted into pulp or paper, deals or boards, or into any other article of trade or merchandise of which such timber is only the raw material.

The following shall not be considered as manufactured, within the meaning of the present regulation: Timber simply cut into lengths, piled, barked, or otherwise worked preliminary to the manufacture of pulp or paper, deals or boards, or any other article of commerce; nor waney nor board timber, nor timber in the form of poles; but timber completely squared and railway ties are considered as manufactured.

A. Whenever, on satisfactory information supported by affidavit the minister or his representatives have reason to believe that timber cut under license on public lands is not intended to be manufactured in Canada, wholly or in part, such timber may be seized and placed in charge of a guardian by any agent of the department.

The minister or his representative shall give notice of the seizure to the interested parties, and require them to furnish two good and sufficient sureties that the timber seized shall be manufactured in Canada. If, within a delay of one month after such notice and demand, the sureties required are not furnished, the timber seized shall be sold by public auction after a notice of at least 15 days. The purchaser at such

sale must himself give good and sufficient security that the timber shall be manufactured in Canada, and the proceeds of the sale shall be paid over to the proper person after deducting the costs of the seizure and sale and any sum due to the Crown by the license holder or by any other person who has cut or caused such timber to be cut or who is the owner or holder of the same.

NEW BRUNSWICK.

An Act Respecting the manufacture of spruce and other pulp wood cut on Crown lands.

[Passed Apr. 13, 1911.]

Be it enacted by the lieutenant governor and legislative assembly, as follows:

1. All sales of timber licenses by the surveyor general which shall hereafter be made and which shall convey the right to cut and remove spruce or other soft-wood trees or timber, other than pine and poplar, suitable for manufacturing pulp or paper, and all licenses or permits to cut such timber on the limits and berths so sold, and all claims entered into or other authority conferred by the said surveyor general, by virtue of which such timber may be cut upon lands of the Crown, shall be so made, issued, or granted, subject to the conditions set forth in the first regulation of Schedule A of this act, and it shall be sufficient if such conditions be cited, as "the manufacturing condition" in all such licenses, permits, agreement, or other writing.

2. The regulations set out in Schedule A of this act are hereby approved and confirmed and declared to be legal and valid to all intents and purposes, and the same shall apply to all licenses or permits hereafter issued, whether for the first time or in renewal of licenses or permits heretofore issued or granted.

3. The lieutenant governor in council may make any further or additional regulations necessary to enable the Surveyor General to carry into effect the object and intent of the regulations contained in Schedule A.

4. No licensee of any timber license or permit shall hereafter sell, assign, or in any way transfer to any other person or company the interest of such licensee therein under such license, until such licensee shall have paid to the Province the sum of \$4 per square mile.

5. The first three sections of this act and the regulations thereby approved shall not come into force until the 1st day of October, A. D. 1911.

Schedule A.

1. Every timber license or permit conferring authority to cut spruce or other soft-wood trees or timber, not being pine or poplar, suitable for manufacturing pulp or paper on the ungranted lands of the Crown, shall contain and be subject to the condition that all such timber cut under the authority or permission of such license or permit shall be manufactured in Canada, that is to say, into merchantable pulp and paper, or into sawn lumber, woodenware, utensils, or other articles of commerce or merchandise as distinguished from the said spruce or other timber in its raw or manufactured state; and such condition shall be kept and observed by the holder or holders of any such timber licenses or permits, who shall cut or cause to be cut spruce or other soft-wood trees or timber, not being pine or poplar, suitable for manufacturing pulp or paper under the authority thereof, and by any other person or persons who shall cut or cause to be cut any of such wood trees or timber under the authority thereof, and all such wood trees or timber cut into logs or lengths or otherwise shall be manufactured in Canada as aforesaid. It is hereby declared that the cutting of spruce or other soft-wood trees or timber, not being pine or poplar, suitable for manufacturing pulp or paper, into cord wood or other lengths, is not manufacturing same within the meaning of this regulation.

2. Should any holder of a timber license or permit, or any servant or agent of such holder, or any person acting for him or under his authority or permission, violate or refuse to keep and observe the condition named in the preceding regulation, then, and in such case, the license or permit to cut spruce or other soft-wood trees or timber, not being pine or poplar, on the limit or berth, territory, lot or lots included in the license or permit, and on which, or on any part of which, there was a breach of such regulation or a refusal to observe or keep the same, shall be suspended and held in abeyance and shall not be reissued nor shall a new license or permit issue unless and until so directed by the lieutenant governor in council, and then only upon such terms and conditions as the lieutenant governor in council may impose.

3. The surveyor general, his officers, servants, and agents, may do all things necessary to prevent a breach of the aforesaid condition and to secure compliance

therewith, and may for such purpose take, seize, hold, and detain all logs, timber, or wood so cut as aforesaid and which it is made to appear to the surveyor general it is not the intention of the licensee, owner, or holder, or person in possession of to manufacture or cause to be manufactured as aforesaid in Canada, or to dispose of to others who will have the same so manufactured in Canada, until security shall be given to His Majesty, satisfactory to the surveyor general, that the said condition will be kept and observed and that such logs, timber, or wood will be manufactured in Canada as aforesaid, and in the event of the refusal on the part of the licensee, owner, or holder, or person in possession of such logs, timber, or wood to give security within four weeks after notice of such seizure and demand of security by or on behalf of the surveyor general, then the surveyor general may sell or cause to be sold such logs, timber, or wood by public auction, after due advertisement, to some person or persons who will give such security to His Majesty as the surveyor general may require that such logs, timber, or wood shall be manufactured in Canada. The proceeds of such logs, timber, or wood shall, after such sale and after deducting all expenses of such seizure and sale and any sum due and owing to His Majesty for or in respect of any timber dues, trespass dues, ground rent, or on account of the purchase of any timber or timber berths by the owner, licensee, or holder of a permit, or other person who has cut or caused to be cut such logs, timber, or wood, or who is the owner or holder of the same, to be paid over to the person entitled to the same.

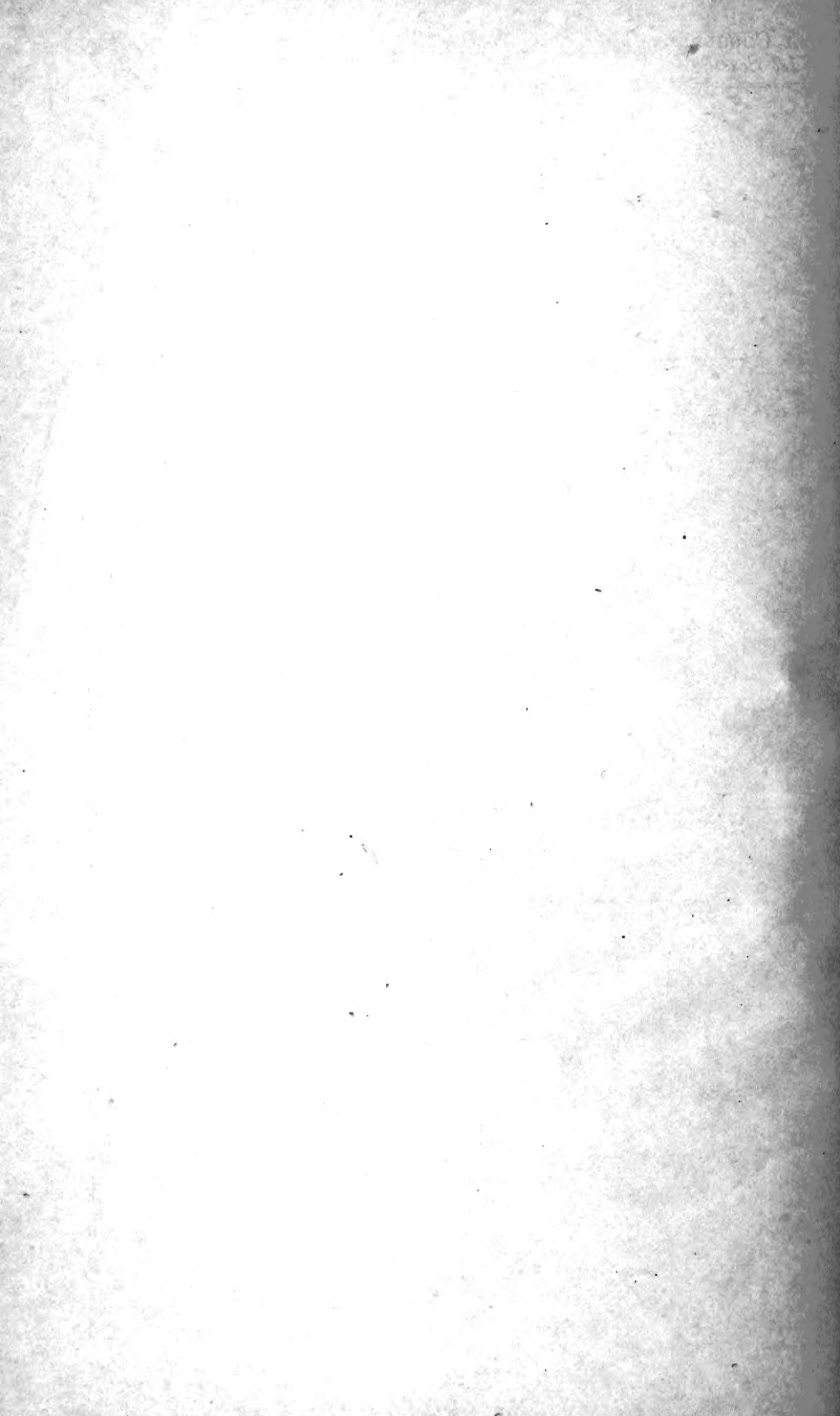
4. Provided, nevertheless, that nothing in the preceding regulations which requires spruce or other timber, not being pine or poplar, suitable for manufacturing pulp or paper to be manufactured in Canada as aforesaid, shall apply to logs, timber, or wood cut and in use in Canada for fuel, building, or other purposes for which logs, timber, or wood in the unmanufactured state are or may be used.

5. After seizure the burden of proving that the timber is to be manufactured in Canada shall be on the owners of such timber.

6. Where the timber to be seized is mixed up with other timber the whole of the timber may be attached and dealt with accordingly until satisfactorily separated.







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